

STATE OF NEW YORK  
LOCAL CRIMINAL COURT

COUNTY OF TIOGA  
TOWN OF TIOGA

**THE PEOPLE OF THE STATE OF NEW YORK**

-VS.-

**Cody A. Franciscovich** dob: 05/07/94

**Defendant**

**FELONY COMPLAINT**

**BE IT KNOWN**, by this complaint, Investigator Randy K. Smith, of the New York State Police, stationed at State Police Bureau of Criminal Investigations, Owego, New York, as the complainant herein, accuses **CODY A. FANCISCOVICH**, the abovementioned defendant, with having committed the felony of Murder in the First Degree, in violation of section 125.27 subdivision 1(a)(vii) and (b) of the Penal Law of the State of New York.

**THAT**, on or about June 9<sup>th</sup>, 2019, while in the St. Patrick's Cemetery located on State Route 17C in the Town of Tioga, County of Tioga, State of New York, the defendant did intentionally, knowingly and unlawfully commit the felony crime of Murder in the First degree.

**A person is guilty of murder in the first degree when:**

1. With intent to cause the death of another person, he causes the death of such person or third person; and

(a) Either

(vii) the victim was killed while the defendant was in the course of committing or attempting to commit and in the furtherance of robbery, burglary in the first degree or second degree, kidnapping in the first degree, arson in the first degree or second degree, rape in the first degree, criminal sex act in the first degree, sexual abuse in the first degree, aggravated sexual abuse in the first degree or escape in the first degree, or in the course of and furtherance of immediate flight after committing or attempting to commit any such crime or in the course of and furtherance of immediate flight after attempting to commit the crime of murder in the second degree; provided however, the victim is not a participant in one of the aforementioned crimes and, provided further that, unless the defendant's criminal liability under this subparagraph is based upon the defendant having commanded another person to cause the death of the victim or intended victim pursuant to section 20.00 of this chapter, this subparagraph shall not apply where the defendant's criminal liability is based upon the conduct of another pursuant to section 20.00 of this chapter; and

(b) The defendant was more than eighteen years old at the time of the commission of the crime.

**TO WIT:** On the aforementioned date and place, the abovementioned defendant did knowingly and intentionally commit the crime of Murder in the First Degree when in the immediate flight thereafter of committing the crimes of rape in the first degree and criminal sex act in the first degree he killed his eight month old daughter.

All contrary to the provisions of the above statute of law as herein made and provided.

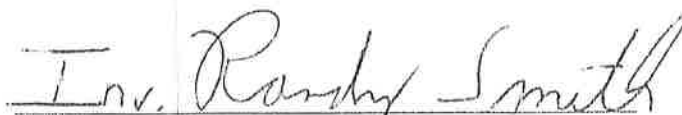
Murder in the First Degree is a class A-I Felony.

The above allegations of fact are made by the complainant herein upon information and belief, with the source of the Complainants information and grounds for belief being the official

investigation conducted by members of the New York State Police.

**NOTICE: IN A WRITTEN INSTRUMENT, ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT, WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE, HAS COMMITTED A CRIME UNDER THE LAWS OF THE STATE OF NEW YORK PUNISHABLE AS A CLASS A MISDEMEANOR. (PL SECTION 210.45)**

Affirmed under penalty of perjury  
This 9<sup>th</sup> day of June, 2019.

A handwritten signature in cursive script, reading "Inv. Randy Smith", written over a horizontal line.

Investigator Randy K. Smith  
NEW YORK STATE POLICE  
Owego